

# Umetco Minerals Corporation



1600 UTE AVENUE • P.O. BOX 1029  
GRAND JUNCTION, COLORADO 81502  
☎ (303) 245-3700

January 11, 1990

RECEIVED  
JAN 16 1990

DIVISION OF  
OIL, GAS & MINING

*Material in Bonding File.*  
*HOS*

Mr. Holland Shepherd  
Reclamation Specialist/Permit Lead  
State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Dear Mr. Shepherd:

RE New Surety/Reclamation Contract  
Pandora Mine (M/037/012)  
San Juan County, Utah

Enclosed is new surety bond \_\_\_\_\_, in the amount of \$65,400.00, which represents the adjusted total cost estimated to reclaim the Pandora Mine area. New surety \_\_\_\_\_ is sent to replace existing surety bond 144183-88 (\$43,544.00) which is presently held by the Division.

The new surety must be attached to Reclamation Contract M/037/012 as Exhibit "B". The Reclamation Contract, which was executed by an officer of Umetco Minerals Corporation on December 1, 1989, is also enclosed. Exhibit "A" to the Reclamation Contract describes the 40 subdivision where the portal to the Pandora Mine is located. Other disturbed areas such as vent holes and roads may fall out of the 40 acre subdivision described on Exhibit "A".

In a recent telephone conversation, you indicated that the Division will review the contract and new surety at a meeting in late February. If the Division approves and accepts the contract and surety, you may return existing surety \_\_\_\_\_ to my attention at Umetco's offices in Grand Junction.

The information called for on page 8 of the Reclamation Contract is included on the Affidavit of Qualification, which appears as page 3 of the new surety.

If you have questions relating to the surety or contract, please contact me at any time.

Yours very truly,

*Milton G. Derrick*  
Milton G. Derrick

cc: J. S. Vanderpool

FORM MR-RC  
Revised 2/17/89  
RECLAMATION CONTRACT

File Number M/037/012

Effective Date \_\_\_\_\_

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

RECEIVED  
JAN 16 1990

OL 143416-400

RECLAMATION CONTRACT

---ooOoo---

For the purpose of this RECLAMATION CONTRACT the terms below are defined as follows:

"NOTICE OF INTENTION" (NOI): (File No.) M/037/012  
(Mineral Mined) Uranium, Vanadium

"MINE LOCATION":

(Name of Mine) Pandora  
(Description) Approximately 3 miles east of La Sal,  
Utah (San Juan County) SE $\frac{1}{4}$  Section 1,  
T.29S., R.24E., SLB&M

"DISTURBED AREA":

(Disturbed Acres) 15  
(Legal Description) Exhibit A

"OPERATOR":

(Company or Name) Umetco Minerals Corporation  
(Address) P. O. Box 307  
La Sal, Utah 84530  
(Phone No.) (801) 686-2228

"OPERATOR'S REGISTRANT AGENT":

(Name)

(Address)

(Phone No.)

Niels B. Hald

Manager of Mines

P. O. Box 1029

Grand Junction, Colorado 81502

(303) 245-3700

"OPERATOR'S OFFICER(S)":

Earl W. Shortridge

Director of Operations

Umetco Minerals Corporation

"SURETY":

(Form of Surety - Exhibit B)

Bond

"SURETY COMPANY":

(Name, Policy or Acct. No.)

"SURETY AMOUNT":

(Escalated Dollars)

\$65,400.00

"ESCALATION YEAR"

1994

"STATE":

State of Utah

"DIVISION":

Division of Oil, Gas and Mining

"BOARD":

Board of Oil, Gas and Mining

EXHIBITS:

A "DISTURBED AREA":

B "SURETY":

Revision Dates:



This Reclamation Contract (hereinafter referred to as "Contract") is entered into between Operator and the Board.

WHEREAS, Operator desires to conduct mining operations under Notice of Intention (NOI) File No. M/037/012 which has been approved by the Division under the Utah Mined Land Reclamation Act, Sections 40-8-1 et seq., Utah Code Annotated, (1953, as amended) (hereinafter referred to as "Act") and implementing rules; and

WHEREAS, Operator is obligated to reclaim the Disturbed Area in accordance with Operator's approved Reclamation Plan and Operator is obligated to provide surety in form and amount approved by the Board, to assure reclamation of the Disturbed Area.

NOW, THEREFORE, the Board and the Operator agree as follows:

1. Operator agrees to conduct reclamation of the Disturbed Area in accordance with the Act and implementing regulations, the Notice of Intention, and the Reclamation Plan.
2. Concurrent with the execution hereof, Operator has provided surety to assure that reclamation is conducted, in form and amount acceptable to the Board, which surety is in the form of the surety attached hereto as Exhibit B and made a part hereof. The surety shall remain in full force and effect according to its terms unless modified by the Board in writing.
3. Operator agrees to pay public liability and property damage claims resulting from mining as determined by the Board or the Division, to the extent provided in the Act.


4. Operator agrees to perform all duties and fulfill all reclamation requirements applicable to the mine as required by the Act and implementing rules, the Notice of Intention, and the Reclamation Plan.
5. The Operators liability under this Contract shall continue in full force and effect until the Division certifies that the Operator has reclaimed the Disturbed Area in accordance with the Act and implementing rules, the Notice of Intention and the Reclamation Plan.
6. Operator agrees to indemnify and hold harmless the State, Board and Division from any claim, demand, liability, cost charge, suit, or obligation of whatsoever nature arising from the failure of Operator or Operator's agents, and employees, or contractor to comply with this Contract.
7. Operator may, at any time, submit a request to the Board to substitute surety. The Board, in its sole judgment and discretion, may approve such substitution if the substitute surety meets the requirements of the Act and the implementing rules.
8. This Contract shall be governed and construed in accordance with the laws of the State.
9. If Operator shall default in the performance of the obligations heretofore, Operator agrees to pay all costs and expenses, including attorneys fees and costs generated by the Division and/or the Board in the enforcement of this Contract.



10. Any breach of the provisions of this Contract by Operator may, at the discretion of the Division, result in an order to cease mining operations. After opportunity for notice and hearing, the Division, or Board, as appropriate, may revoke the Notice of Intention, order reclamation, or order forfeiture of the Surety, or take such other action as is authorized by law.
11. In the event of forfeiture of the Surety, Operator shall be liable for any additional costs in excess of the surety amount which are required to comply with this contract. Any excess monies resulting from forfeiture of the Surety, upon completion of reclamation and compliance with this Contract, shall be returned to the rightful claimant.
12. This Contract represents the entire agreement of the parties involved, and any modification must be approved in writing by the parties involved.
13. Each signatory below represents that he/she is authorized to execute this Contract on behalf of the named party.

SO AGREED this 22<sup>nd</sup> day of March, 1990.

APPROVED AS TO FORM AND AMOUNT OF SURETY:

By   
Chairman, Board of Oil, Gas and Mining

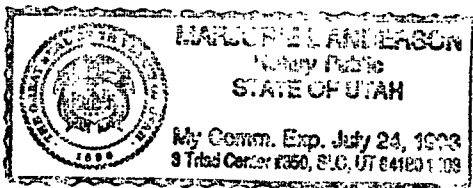
DIVISION OF OIL, GAS AND MINING:

By Dianne E. Nelson  
Director

3/22/90  
Date

STATE OF Utah )  
 ) ss:  
COUNTY OF Salt Lake )

On the 22<sup>nd</sup> day of March, 1990, personally appeared before me, who being by me duly sworn did say that he/she, the said Dianne E. Nelson is the Director of the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah, and he/she duly acknowledged to me that he/she executed the foregoing document by authority of law on behalf of the State of Utah.



Harjoia L. Anderson  
Notary Public  
Residing at: SLC Utah

My Commission Expires:

OPERATOR:

By

Earl W. Shortridge  
Corporate Officer - Position  
Earl W. Shortridge  
Director of Operations

Date

December 1, 1989

STATE OF Colorado )

)

ss.

COUNTY OF Mesa )

On the 1st day of December, 1989, personally  
appeared before me E. W. Shortridge who being by  
me duly sworn did say that he/~~she~~, the said Earl W. Shortridge  
is the Director of Operations  
of Umetco Minerals Corporation and duly acknowledged that said  
instrument was signed on behalf of said company by authority of its  
bylaws or a resolution of its board of directors and said  
E. W. Shortridge duly acknowledged to me that said  
company executed the same.

Shirley M. Woods  
Notary Public  
Residing at: Grand Junction, Colorado

August 7, 1993

My Commission Expires:



INSTITUTION:

\_\_\_\_\_  
Surety (Company)

\_\_\_\_\_  
Company Officer - Position

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_)

) ss:

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that he/she, the said \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_ and duly acknowledged that said instrument was signed on behalf of said company by authority of its bylaws or a resolution of its board of directors and said \_\_\_\_\_ duly acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

Residing at: \_\_\_\_\_

\_\_\_\_\_  
My Commission Expires:

NOTE: An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Contract.

EXHIBIT "A"

Site Location:

Pandora Mine, Umetco Minerals Corp

M/037/012

San Juan County, Utah

SE 1/4 Section 1, Township 29 South, Range 24 East

and

NE 1/4 Section 6, Township 29 South, Range 25 East

and

NW 1/4 Section 5, Township 29 South, Range 25 East

Salt Lake Base Meridian

# EXHIBIT B

MR FORM 5

(September 1989)  
(Noncoal)

Bond Number \_\_\_\_\_  
Permit Number M/037/012  
Mine Name Pandora

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

## THE MINED LAND RECLAMATION ACT

### BOND

\*\*\*\*\*

The undersigned Umetco Minerals Corporation  
as Principal, and Seaboard Surety Company  
as Surety Company, hereby jointly and severally bind ourselves, our heirs,  
administrators, executors, successors and assigns unto the State of Utah,  
Division of Oil, Gas and Mining in the penal sum of Sixty-five Thousand Four  
Hundred and 00/100-- dollars (\$ 65,400.00 ).

The Principal estimated in the Mining and Reclamation Plan filed with the  
Division of Oil, Gas and Mining on the 9th day of March, 19 82,  
that 15 acres of land will be disturbed by this mining operation  
in the State of Utah. A description of the disturbed land is attached hereto  
as Exhibit "A".

When the Division has determined that the Principal has satisfactorily  
reclaimed the above-mentioned lands affected by mining in accordance with the  
approved Mining and Reclamation Plan and has faithfully performed all  
requirements of the Mined Land Reclamation Act, and complied with the Rules  
and Regulations adopted in accordance therewith, then this obligation shall be  
void; otherwise it shall remain in full force and effect until the reclamation  
is completed as outlined in the approved Mining and Reclamation Plan.

If the approved plan provides for reclamation of the land affected on a  
piecemeal or cyclic basis, and the land is reclaimed in accordance with such  
plan, then this bond may be reduced periodically.

In the converse, if the plan provides for a gradual increase in the area  
of the land affected or increased reclamation work, then this bond may  
accordingly be increased with the written approval of the Surety Company.


This bond may be cancelled by the Surety Company after ninety (90) days  
following receipt by the Division and the Principal of written notice of such  
cancellation. The Surety Company's liability shall then, at the expiration of  
said ninety (90) days, cease and terminate except that the Surety Company will  
retain liability for any outstanding reclamation obligation of the Principal  
existing prior to the termination of the Bond.



NOTE: Where one signs by virtue of Power of Attorney for a Surety Company, such Power of Attorney must be filed with this bond. If the Principal is a corporation, the bond shall be executed by its duly authorized officer.

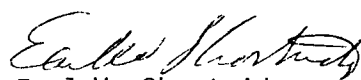
Dated this 13th day of December, 19 89.

State of Utah  
Board of Oil, Gas and Mining

  
\_\_\_\_\_  
Gregory P. Williams, Chairman

UMETCO MINERALS CORPORATION

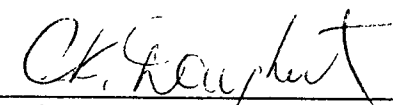
\_\_\_\_\_  
Principal (Company)

  
By Earl W. Shortridge  
\_\_\_\_\_  
Company Officer - Position  
Director of Operations  
Umetco Minerals Corporation

Date: 12-1-89

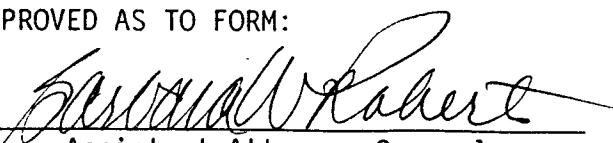
Seaboard Surety Company

\_\_\_\_\_  
Surety Company

  
By C.K. Dougherty  
\_\_\_\_\_  
Surety Company Officer - Position  
C.K. Dougherty - Attorney-in-Fact

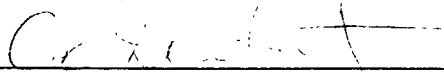
Date: \_\_\_\_\_

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
Assistant Attorney General

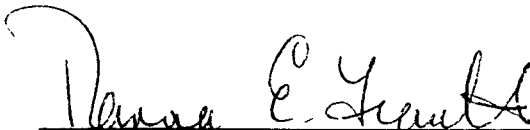
AFFIDAVIT OF QUALIFICATION

C.K. Dougherty, being first duly sworn, on oath deposes and says that he/~~she~~ is the (officer or agent) Seaboard Surety Company of said Surety Company, and that he/she is duly authorized to execute and deliver the foregoing obligations; that said Surety Company is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations.

Signed   
Surety Company Officer - Position

C.K. Dougherty - Attorney-in-Fact

Subscribed and sworn to before me this 4th day of January, 1990

  
Notary Public

My Commission Expires:

**RAMONA E. TRAUTLEIN**  
NOTARY PUBLIC

MY COMMISSION EXPIRES MARCH 31, 1991

\_\_\_\_\_, 19\_\_\_\_.

# SEABOARD SURETY COMPANY

ADMINISTRATIVE OFFICES· BEDMINSTER, NEW JERSEY

FINANCIAL STATEMENT—JUNE 30, 1988

## ASSETS

*Stocks and Bonds.....	\$152,294,747.
Cash in Office & Banks.....	1,104,070.
Accrued Interest.....	2,943,834.
Outstanding Premiums.....	(2,349,674.)
Accounts Receivable.....	6,438,893.
Total Admitted Assets.....	\$160,431,870

## LIABILITIES

Reserve for Unearned Premiums.....	\$ 57,347,109.
Claim Reserves.....	33,859,845.
Other Reserves.....	10,496,334.
Capital Stock.....	2,500,000.
Surplus.....	56,228,582.
Total Liabilities.....	\$160,431,870

\* Bonds and stocks are valued on basis approved by National Association of Insurance Commissioners  
Securities carried at \$6,783,833 in the above statement are deposited for the purpose required by law.

STATE OF NEW JERSEY }  
COUNTY OF SOMERSET } ss.:

I, G. F. THOMPSON, President of SEABOARD SURETY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the Financial Statement of said Company, as of June 30, 1988.

IN WITNESS WHEREOF, I have signed this statement at New York, New York, this 13<sup>th</sup> day of  
December, 1989



Revised Form 157

A large, stylized handwritten signature in black ink, likely belonging to G. F. Thompson, the President of the company.

President



Certified Copy

# SEABOARD SURETY COMPANY

WWW

5705

No. 10719

ADMINISTRATIVE OFFICES, BEDMINSTER, NEW JERSEY

## POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That SEABOARD SURETY COMPANY, a corporation of the State of New York, has made, constituted and appointed and by these presents does make, constitute and appoint **F.W. Ingham or E.D. DeLoughy or Paul F. York, or C.K. Dougherty**

of **Danbury, Connecticut**

its true and lawful Attorney-in-Fact, to make, execute and deliver on its behalf insurance policies, surety bonds, undertakings and other instruments of similar nature as follows: No one instrument to exceed the penal sum of **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS**

Such insurance policies, surety bonds, undertakings and instruments for said purposes, when duly executed by the aforesaid Attorney-in-Fact, shall be binding upon the said Company as fully and to the same extent as if signed by the duly authorized officers of the Company and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Company on December 8th, 1927, with Amendments to and including January 15, 1982 and are still in full force and effect:

### ARTICLE VII, SECTION 1:

"Policies, bonds, recognizances, stipulations, consents of surety, underwriting undertakings and instruments relating thereto.

Insurance policies, bonds, recognizances, stipulations, consents of surety and underwriting undertakings of the Company, and releases, agreements and other writings relating in any way thereto or to any claim or loss thereunder, shall be signed in the name and on behalf of the Company

(a) by the Chairman of the Board, the President, a Vice-President or a Resident Vice-President and by the Secretary, an Assistant Secretary, a Resident Secretary or a Resident Assistant Secretary; or (b) by an Attorney-in-Fact for the Company appointed and authorized by the Chairman of the Board, the President or a Vice-President to make such signature; or (c) by such other officers or representatives as the Board may from time to time determine.

The seal of the Company shall if appropriate be affixed thereto by any such officer, Attorney-in-Fact or representative."

**IN WITNESS WHEREOF**, SEABOARD SURETY COMPANY has caused these presents to be signed by one of its Vice-Presidents, and its corporate seal to be hereunto affixed and duly attested by one of its Assistant Secretaries, this **27th** day of **November**, 19**89**



Attest:

(Seal)

*Diana M. Klement*  
Assistant Secretary

SEABOARD SURETY COMPANY,

By

*Michael B. Keegan*  
Vice-President

STATE OF NEW JERSEY  
COUNTY OF SOMERSET

ss.:

On this **27th** day of **November**, 19**89**, before me personally appeared **Michael B. Keegan**, a Vice-President of SEABOARD SURETY COMPANY, with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the State of **New Jersey**; that he is a Vice-President of SEABOARD SURETY COMPANY, the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto as Vice-President of said Company by like authority.

(Seal)



FELICE M. ZURZYCKI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires June 1, 1991

## CERTIFICATE

*[Signature]*  
Notary Public

I, the undersigned Assistant Secretary of SEABOARD SURETY COMPANY do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this Certificate and I do further certify that the Vice-President who executed the said Power of Attorney was one of the Officers authorized by the Board of Directors to appoint an attorney-in-fact as provided in Article VII, Section 1, of the By-Laws of SEABOARD SURETY COMPANY.

This Certificate may be signed and sealed by facsimile under and by authority of the following resolution of the Executive Committee of the Board of Directors of SEABOARD SURETY COMPANY at a meeting duly called and held on the 25th day of March 1970.

"RESOLVED: (2) That the use of a printed facsimile of the corporate seal of the Company and of the signature of an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by the President or a Vice-President pursuant to Article VII, Section 1, of the By-Laws appointing and authorizing an attorney-in-fact to sign in the name and on behalf of the Company surety bonds, underwriting undertakings or other instruments described in said Article VII, Section 1, with like effect as if such seal and such signature had been manually affixed and made, hereby is authorized and approved."

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the Company to these presents this **13th** day of **December**, 19**89**



*Mia A. Rispoli*

Assistant Secretary

Form 957 (Rev. 7/84)



DUAL OBLIGEE RIDER ...  
TO BOND NUMBER

WHEREAS, on or about the 9th day of March, 1982, UMETCO MINERALS CORPORATION, as Principal, entered into a written plan with THE STATE OF UTAH, DIVISION OF OIL, GAS & MINING, as Obligee, for the RECLAMATION OF 15 ACRES OF LAND, herein referred to as the Plan, and

WHEREAS, the Principal and Seaboard Surety Company, as Surety, made, executed and delivered to said Obligee their joint and several Bond, and

WHEREAS, the Obligee has requested that U.S. FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT, (hereinafter called "Co-obligees") said Co-obligees having a material interest in the performance of said Plan, be named as obligees in the Bond and has requested the Principal and the Surety to join with the Obligee in the execution and delivery of this Rider and the Principal and Surety have agreed so to do upon the conditions herein stated.

NOW, THEREFORE, in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned hereby agree as follows:

The aforesaid Bond shall be and it is hereby amended as follows:

1. The name of U.S. FOREST SERVICE & THE BUREAU OF LAND MANAGEMENT, as Co-obligees shall be added to said Bond as named obligees.
2. The rights of the Co-obligees shall be subject to the condition precedent that all the obligee's obligations to the Principal be performed; provided, however, that the aggregate liability of the Surety under said Bond, to the Obligee and Co-obligee's, as their interests may appear, is limited to the penal sum of the Bond and provided, further, that the Surety may, at its option, make any payments under said Bond jointly to the Obligee and the Co-obligees.
3. Except as herein modified, said Bond shall be and remain in full force and effect.

SIGNED, SEALED AND DATED this 13th day of DECEMBER 1989.

UMETCO MINERALS CORPORATION  
Contractor

By: *Earl W. Hartley*

SEABOARD SURETY COMPANY

By: *Paul Salmon*  
Paul Salmon, Attorney-in-fact

Corp. Ack.

STATE OF

COUNTY OF

} ss.:

On this..... day of..... 19....., before me personally came

to me known, who, being by me duly sworn, did depose and say; that he resides in.....

.....that he is the.....

of the UMETCO MINERALS CORPORATION.....the corporation described in and which  
executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said  
instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said cor-  
poration, and that he signed his name thereto by like order.

(Seal)



# SEABOARD SURETY COMPANY®

ADMINISTRATIVE OFFICES: BEDMINSTER, NEW JERSEY

FINANCIAL STATEMENT—June 30, 1989

ASSETS		LIABILITIES	
*Stocks and Bonds.....	\$166,061,203.	Reserve for Unearned Premiums.....	\$ 59,887,239.
Cash in Office & Banks.....	3,008,572.	Claim Reserve.....	49,333,347.
Accrued Interest.....	3,038,268.	Other Reserves.....	7,698,966.
Outstanding Premiums.....	(5,715,802.)	Capital Stock.....	2,500,000.
Accounts Receivable.....	6,910,150.	Surplus.....	53,882,839.
Total Admitted Assets.....		Total Liabilities.....	\$173,302,391

\* Bonds and stocks are valued on basis approved by National Association of Insurance Commissioners.

Securities carried at \$6,760,174 in the above statement are deposited for the purpose required by law.

STATE OF NEW JERSEY  
COUNTY OF SOMERSET      SS.:

I, G. F. THOMPSON, President of SEABOARD SURETY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the Financial Statement of said Company, as of June 30, 1989.

IN WITNESS WHEREOF, I have signed this statement at New York, New York, this ..13th.....day of  
.....DECEMBER....., 19..89.....



Revised Form 157

A large, stylized handwritten signature in black ink, likely belonging to G. F. Thompson, the President of the company.

President

On the 13th day of DECEMBER

in the year 1989, before me personally came

PAUL SALMON

to me known, who, being by me duly sworn, did

depose and say that he resides in SUFFERN, NEW YORK N. Y.; that he is the Attorney-in-Fact of the SEABOARD SURETY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 327 of the Insurance Law of the State of New York, issued to Seaboard Surety Company his certificate of qualification, evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.

ANITA J. LEONARD  
Notary Public, State of New York  
No. 41-7403475  
Qualified in Queens County  
Commission Expires Dec 31, 1990

Anita J. Leonard  
Notary Public

Certified Copy

No. 10586

# SEABOARD SURETY COMPANY

ADMINISTRATIVE OFFICES, BEDMINSTER, NEW JERSEY

## POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That SEABOARD SURETY COMPANY, a corporation of the State of New York, has made, constituted and appointed and by these presents does make, constitute and appoint Joseph Dobkowski, Jr. or Thomas F. Johnston or Richard H. Lewis or Matthew J. Dobrowolski, III or Paula Morello or Robert E. Boesch or Patricia Charles or Paul Salmon or Gail Brunje or Kimberly A. Bruno of New York, New York its true and lawful Attorney-in-Fact, to make, execute and deliver on its behalf insurance policies, surety bonds, undertakings and other instruments of similar nature as follows: Without Limitations

Such insurance policies, surety bonds, undertakings and instruments for said purposes, when duly executed by the aforesaid Attorney-in-Fact, shall be binding upon the said Company as fully and to the same extent as if signed by the duly authorized officers of the Company and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Company on December 8th, 1927, with Amendments to and including January 15, 1982 and are still in full force and effect:

### ARTICLE VII, SECTION 1:

"Policies, bonds, recognizances, stipulations, consents of surety, underwriting undertakings and instruments relating thereto.

Insurance policies, bonds, recognizances, stipulations, consents of surety and underwriting undertakings of the Company, and releases, agreements and other writings relating in any way thereto or to any claim or loss thereunder, shall be signed in the name and on behalf of the Company

(a) by the Chairman of the Board, the President, a Vice-President or a Resident Vice-President and by the Secretary, an Assistant Secretary, a Resident Secretary or a Resident Assistant Secretary; or (b) by an Attorney-in-Fact for the Company appointed and authorized by the Chairman of the Board, the President or a Vice-President to make such signature; or (c) by such other officers or representatives as the Board may from time to time determine.

The seal of the Company shall if appropriate be affixed thereto by any such officer, Attorney-in-Fact or representative."

**IN WITNESS WHEREOF,** SEABOARD SURETY COMPANY has caused these presents to be signed by one of its Vice-Presidents, and its corporate seal to be hereunto affixed and duly attested by one of its Assistant Secretaries, this 19th day of June, 1989



Attest:

(Seal) *Lia A. Rispoli*  
Assistant Secretary

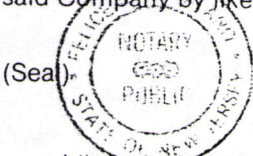
SEABOARD SURETY COMPANY,

By *Michael B. Keegan*  
Vice-President

STATE OF NEW JERSEY  
COUNTY OF SOMERSET

ss.:

On this 19th day of June, 1989, before me personally appeared Michael B. Keegan, a Vice-President of SEABOARD SURETY COMPANY, with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the State of New Jersey, that he is a Vice-President of SEABOARD SURETY COMPANY, the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto as Vice-President of said Company by like authority.



FELICE M. CATALANO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Exp. June 4, 1991

### CERTIFICATE

I, the undersigned Assistant Secretary of SEABOARD SURETY COMPANY do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this Certificate and I do further certify that the Vice-President who executed the said Power of Attorney was one of the Officers authorized by the Board of Directors to appoint an attorney-in-fact as provided in Article VII, Section 1, of the By-Laws of SEABOARD SURETY COMPANY.

This Certificate may be signed and sealed by facsimile under and by authority of the following resolution of the Executive Committee of the Board of Directors of SEABOARD SURETY COMPANY at a meeting duly called and held on the 25th day of March 1970.

"RESOLVED: (2) That the use of a printed facsimile of the corporate seal of the Company and of the signature of an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by the President or a Vice-President pursuant to Article VII, Section 1, of the By-Laws appointing and authorizing an attorney-in-fact to sign in the name and on behalf of the Company surety bonds, underwriting undertakings or other instruments described in said Article VII, Section 1, with like effect as if such seal and such signature had been manually affixed and made, hereby is authorized and approved."

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the corporate seal of the Company to these presents this 13th day of DECEMBER, 1990



*Diana M. Kleret*  
Assistant Secretary